

60130-1281
99AUT244REMARKS

Reconsideration and allowance are respectfully requested. Claims 9-17, 20-22 and 24-26 are currently pending and stand rejected. Applicant has amended claims 9, 15 and 26. No new matter has been added.

§ 102 rejection

Claims 9-14 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,917,418 to Gokee ("Gokee"). Applicant respectfully traverses this rejection.

Applicant has amended the claims to clarify that the cable attachment in the intermediate cable pull mechanism is manually accessible. Even though this fact was understood in the original claim, this clarification explicitly states what was merely implied before.

The Office Action asserted that the plunger 40 shown in Gokee is the same as the claimed manually actuatable element. Applicant respectfully disagrees. As can be seen in Figures 3 and 4 of Gokee, the plunger 40 is completely enclosed within the housing 30 and is not manually accessible via any opening in the housing to allow actuation. Instead, the plunger 40 is actuatable only by pulling on a pull tab 29 attached to a separate cable 28 that is not disposed between first and second ends 24, 26 of the main cable (Figures 1 and 4; col. 2, lines 16-29). As a result, the plunger 40 itself is not manually actuatable or even manually accessible through the housing 30, nor does the housing 30 provide any manual access to the plunger 40 that allows the plunger to be moved in an axial direction of the cable.

Claims 9-14 and 24, by contrast, recite an intermediate cable pull mechanism disposed between first and second ends of the cable, wherein the cable pull mechanism has a cable attachment that is itself manually accessible via an opening in the cable pull mechanism housing. Thus, by implication, the manually-actuatable cable attachment is also disposed between the first and second ends of the cable by virtue of it being a part of the cable pull mechanism. Because Gokee relies upon a pull-tab 29 that is attached to a separate cable to open its latch and does not have any manually-accessible cable attachment disposed between the first and second ends of the cable it actuates, Gokee fails to anticipate claims 9-14 and 24. Withdrawal of the rejection is therefore respectfully requested.

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Claims 15-17, 20-22, 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gokee in view of U.S. Patent No. 6,026,705 to Ficyk et al. ("Ficyk"). Applicant respectfully traverses this rejection.

The Office Action asserted that it would have been obvious "to configure the cable arrangement of Gokee for controlling a vehicle latch, as disclosed by Ficyk et al., motivation being to provide a relatively simple device which is capable of actuating the trunk latch from either within the vehicle operating environment or from within the trunk" (p. 3). Applicant respectfully disagrees.

As explained above, Gokee does not disclose a cable pull mechanism having a manually-actuable cable attachment that is disposed between first and second ends of a cable and that is manually accessible to move the second end. Gokee is particularly unsuitable for releasing a trunk because, as noted above, the plunger 40 is not even manually-accessible, let alone manually actuable. Further, as can be seen in Figure 1, the plunger 40 and housing 30 are small, making manual operation impossible within the confines of a trunk compartment.

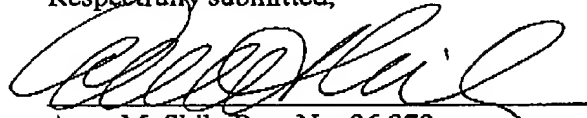
Adding Ficyk to Gokee still fails to teach the claimed invention because Ficyk only shows a cable assembly having dual cables rather than an assembly that provides a remote cable pull mechanism and an intermediate cable pull mechanism that operate on the same cable like the claimed invention. Both cables in Ficyk are actuable only via the ends of the cables and not by any manually-actuable and accessible component disposed between the ends (Figure 12; col. 5, lines 13-43, which shows manually-accessible lever straps 106 connected to the ends of both cables). Thus, at best, the proposed combination of Ficyk and Gokee suggest a dual cable system without any manually accessible components between first and second cable ends. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 15-17, 20-22, 25 and 26. Withdrawal of the rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is

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authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on December 19, 2003.


Beth A. Beard